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Attorney for Defendant
MICHAEL STEVENS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL STEVENS,

Defendant(s).

Cr. S-04-289 WBS

**STIPULATION AND [PROPOSED]
ORDER RE: CONTINUANCE OF
STATUS CONFERENCE AND
EXCLUSION OF TIME UNDER
SPEEDY TRIAL ACT**

Hon. William B. Shubb

STIPULATION

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Matthew Segal, and defendant Michael Stevens, by and through his counsel, Hayes H. Gable III, agree and stipulate to vacate the existing status conference in the above-captioned action, June 15, 2005, and to continue the matter to July 13, 2005, at 9:00 a.m.

The reason for this continuance is that the government is in possession of information which requires further investigation. The parties are not in a position to resolve this case until it is determined what benefit the defendant may receive as a result of the provided information. Further, defense counsel is currently in trial in San Joaquin County in the case of *People v. Swamy*. The parties further agree and stipulate that the period for the filing of this stipulation until July 13, 2005, should be excluded in computing time for commencement of trial under the Speedy Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow

continuity of counsel and to allow reasonable time necessary for effective presentation.

It is further agreed and stipulated that the need of defense counsel to prepare exceeds the public's interest in commencing trial within 70 days.

Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

IT IS SO STIPULATED

DATE: June 13, 2005

s/Hayes H. Gable, III
HAYES H. GABLE, III
Attorney for Defendant

DATE: June 13, 2005

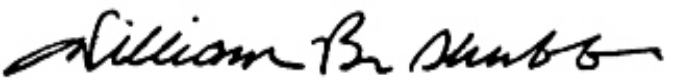
s/Matthew Segal
MATTHEW SEGAL
Asst. U.S. Attorney

ORDER FINDING EXCLUDABLE TIME

For the reasons set forth in the accompanying stipulation and declaration of counsel filed under seal, the status conference in the above-entitled action is continued to July 13, 2005, at 9:00 a.m. The court finds excludable time in this matter from June 15, 2005 through July 13, 2005, under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the Court finds that the interest of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

IT IS SO ORDERED.

DATE: June 13, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE